



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,161 12/07/98 HILLMAN

J PF-0208-1DIV

EXAMINER.

HM22/0614

LEGAL DEPARTMENT
INCYTE GENOMICS INC
3160 PORTER DRIVE
PALO ALTO CA 94304

CARLSON, K

ART UNIT

PAPER NUMBER

1653

DATE MAILED:

06/14/01

LG

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/207,161

Examiner

Karen Cochrane Carlson, Ph.D.

Applicant(s)

HILLMAN ET AL.

Art Unit

1653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 31 May 2001 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Regarding #2, the brief does not contain a statement of the status of the canceled claims.

Regarding #3, the amendment filed May 31, 2001 has not been entered - see the advisory action. Therefore, the brief does not contain a statement of the status of this amendment. If the amendment had been entered, new rejections and objections would have had to have been made, indicating that prosecution was not complete and therefore not ready for review by the Board of PAI.

Regarding #8, because the amendment filed May 31, 2001 has not been entered, the copy of the appealed claims is incorrect.

Karen Cochrane Carlson PhD

**KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER**